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REMARKS

In a Final Office Action mailed on June 15, 2007, an objection was made to the specification; claims 50-58 were rejected under 35 U.S.C. §112, first paragraph; claims 50-58 were rejected under 35 U.S.C. § 112, second paragraph; claims 50-58 were rejected under 35 U.S.C. § 102(a) as being anticipated by Yamada; and claims 50-55, 57 and 58 were rejected under 35 U.S.C. §102(a) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being rendered obvious over Japanese Publication No. JP 04-284365 (herein called the "JP '365 application").

The specification has been amended to indicate the status of the parent application, which has issued.

The previous reply filed by Applicant had a typographical error in the amendment of claim 50. In this regard, as claim 50 is now amended to correct to correct the typographical error, the fuel cell generates heat and power in response to the fuel flow and oxidant and is thermally coupled to a device that is capable of generating a heat demand that is indicative of more heat needed from the fuel cell. The controller of the fuel cell system controls at least one of the fuel flow and oxidant flow based on the heat demand signal.

Entry of the amendment to independent claim 50 is requested for at least the typographical error nature of the last amendment. As amended, independent claim 50 overcomes the § 112, first and second paragraph rejections for at least the reason that the specification describes an embodiment of a fuel cell system that contains a fuel cell that controls at least one of fuel flow and oxidant flow based on a heat demand signal that is generated by a device that is thermally coupled to the fuel cell. *See, for example,* paragraph nos. 94 and 95 of the specification.

Regarding the §§ 102 and 103 rejections of claim 50, contrary to the claimed invention, Yamada fails to teach or suggest a controller of a fuel cell system that controls at least one of fuel flow and oxidant flow to a fuel cell based on a heat demand signal that is generated by a device that is thermally coupled to the fuel cell and indicates more heat being needed from the fuel cell. In this regard, the Examiner labels the temperature sensors as to one of Yamada as the alleged heat demand sensors. However, referring to U.S. Patent No. 6,793,027 (called the "English equivalent" by the Examiner), the '027 patent discloses that the temperature sensor S21 is merely a temperature sensor and fails to teach or suggest that the sensor S21 provides any

signal that is indicative of a heat demand signal from a device that is thermally coupled to the fuel cell.

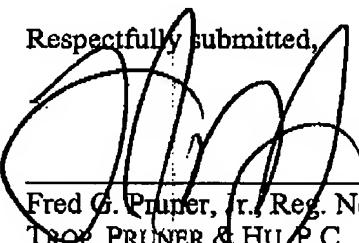
For similar reasons, the JP '365 application fails to teach or suggest the fuel cell system of independent claim 50. In this regard, based on the Abstract of the JP '365 application, the JP '365 application discloses a temperature sensor 6 (the alleged heat sensor), which is a catalyst temperature sensor 6 that is indicative of a temperature of a reformer. However, such a signal does not indicate more heat being needed from a fuel cell by a device that is thermally coupled to the fuel cell. Instead, at most, the temperature from the catalyst temperature sensor 6 would indicate action to be taken by the reformer, not a controller that controls at least one of fuel and oxidant flows based on a heat demand signal indicative of more heat needed *from the fuel cell.* (emphasis added).

Therefore, for at least the foregoing reasons, neither Yamada nor the JP '365 application teach or suggest the limitations of amended independent claim 50. Claims 51-58 overcome the §§ 102 and 103 rejections for at least the reason that these claims depend from an allowable claim.

#### CONCLUSION

In view of the foregoing, Applicant respectfully requests withdraw of the §§102, 103 and 112 rejections and a favorable action in the form of a notice of allowance. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (PUG.0083C1US).

Respectfully submitted,

  
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